

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

S&J INVESTMENTS, LLC,
 Plaintiff,

vs.

JASON BOOTH, *et al.*,
 Defendant.

Case No. 2:15-cv-2205-APG-GWF

ORDER

This matter is before the Court on Plaintiff's *Ex Parte* Motions to Enlarge Time for Service of Process (#17) and for an Order for Service by Publication (#19), filed on February 17, 2016.

Pursuant to Fed. R. Civ. P. 4(e), the state statutes in which the District Court is held are followed in matters pertaining to service of summons by publication. N.R.C.P. 4(e)(1)(i) states that the court may permit service by publication if, after due diligence shown, the plaintiff is unable to find the defendant(s) within the state, or they are avoiding the service of summons. The plaintiff must prove this to the satisfaction of the court either by affidavit or by a verified complaint. The Nevada Supreme Court has held that there is no objective, formulaic standard for determining what is, or is not, due diligence. *Abreu v. Gilmer*, 985 P.2d 746, 749 (1999). N.R.C.P. 4(e)(1)(ii) further states that service by publication is valid for "any action which relates to, or the subject of which is, real or personal property."

Plaintiff argues that it has shown due diligence by making nine (9) separate attempts at effectuating personal service on Defendant Amberly Booth at her last known physical addresses: 1) 7865 Villa Encanto Avenue, 2) 7661 Calico Fields, 3) 9013 Boston Springs, and 4) 4899 Monteleone. *See Motion (#17)*. Further, Plaintiff performed a social/name trace and search of the County Assessor, DMV, and Voter Registration and Telephone directory to confirm Defendant's

1 last known addresses. As such, Plaintiff has demonstrated due diligence in attempting service on
2 Defendant Amberly Booth that would warrant permitting service by publication. Moreover, the
3 subject of this litigation is real property. Accordingly,

4 **IT IS HEREBY ORDERED** that Plaintiff's *Ex Parte* Motions to Enlarge Time for Service
5 of Process (#17) and for an Order for Service by Publication (#19) are **granted**. Defendant Amberly
6 Booth may be served by Plaintiff through publication of the summons and complaint in this case at
7 least once a week for four (4) consecutive weeks in the Nevada Legal News, which is a newspaper
8 of general circulation published in Las Vegas, Nevada.

9 **IT IS FURTHER ORDERED** that Plaintiff shall deposit a copy of the summons and
10 complaint in the post office via first class certified mail, directed to Defendant Amberly Booth's last
11 known physical addresses: 1) 7865 Villa Encanto Avenue, 2) 7661 Calico Fields, 3) 9013 Boston
12 Springs, and 4) 4899 Monteleone.

13 **IT IS FURTHER ORDERED** that Plaintiff shall have until **April 25, 2016**, to complete
14 service upon Defendant Amberly Booth.

15 DATED this 23rd day of February, 2016.

16
17 
18 GEORGE FOLEY, JR.
19 United States Magistrate Judge
20
21
22
23
24
25
26
27
28